

Name of Applicant (please print) _____

APPLICATION FOR A SPECIAL EXCEPTION

Certain sections of the zoning ordinance provide that a particular use of property in a particular zone may be permitted by special exception (See Table of Principal Uses, Land Use manual.) If you are applying for a special exception you may also need site plan and/or subdivision approval from the planning board. If so, this should be done before you apply for a special exception. DISREGARD THE HIGHLIGHTED SECTION ABOVE

Is the proposed use allowed by special exception? If not, do not proceed.

Refers to Article VII Section 127-31.1 District Rural

Describe your proposal and attach sketches, photos, diagrams, plans, tax map showing property and abutting properties with distances of structures, well and septic systems, adjacent property lines and highway right of way.

Please address the points listed in 127-41 E. on the back of this application.

Applicant signature_____ **Date** _____

§ 127-41 Special Exception Required for Certain Uses. (Amended by STM 11-1-1989 by Art. 9; Amended by ATM 3-9-1999 by Art. 4)

Certain uses are designated in this chapter as requiring a Special Exception. The Board of Adjustment is hereby designated to grant such Special Exceptions where authorized by this chapter in accordance with the standards set out herein. (Procedural items A., B., and C. can be found in the Land Use Manual.)

D. Public Hearing and Decision. The Board of Adjustment shall hold a Public Hearing no later than thirty (30) days after the filing of an application. The Board of Adjustment shall have the power to continue a Public Hearing under this Article if it finds that such continuation is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the Special Exception application. The Board of Adjustment shall issue a decision no later than fourteen (14) days following the close of the hearing.

E. Mandatory Findings by the Board of Adjustment. The Board of Adjustment shall not issue a Special Exception unless, without exception, it shall find that the proposed use:

- (1) Is in harmony with the purpose and intent of this chapter.
- (2) Will not be detrimental or injurious to the neighborhood in which it is to take place.
- (3) Is appropriate for the site in question.
- (4) Complies with all applicable requirements of this chapter.
- (5) With respect to dimensional requirements establishes that there exist special conditions that make the meeting of these requirements unduly burdensome. PLEASE NOTE F.↓↓

F. Special Exception Conditions. The Board of Adjustment may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the town, including but not limited to:

- (1) Dimensional requirements greater than the minimum required by this chapter.
- (2) Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, plantings or other devices.
- (3) Modification of the exterior features or appearance of the structure(s).
- (4) Limitation of size, number of occupants, method and time of operation, and extent of facilities.
- (5) Regulation of number, design and location of access drives, drive-up windows and other traffic features.
- (6) Requirement of off-street parking and other special features.
- (7) Requirement for performance bonds or other security.
- (8) Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare or the environment resulting from smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise, vibration or any other objectionable impact generated by any given use of land.

G. Time Limitation on Special Exception. A Special Exception shall lapse if a substantial use thereof has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause within a period of time to be specified by the Board of Adjustment, not to exceed one (1) year from the date of grant thereof.

H. Effective Date of Special Exception. No Special Exception or any modification, extension or renewal thereof shall take effect until a copy of the Notice of Decision has been recorded with the Town Clerk. Such decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that, if such an appeal has been filed, it has been dismissed or denied.